



	Approved	Denied
Action taken	11/25/02	
Other:		
Verified by:	<i>J. Newman</i>	

WASILLA CITY COUNCIL MEMORANDUM

CM No. 02-69

TITLE: Liquor License Application – Mekong Thai Cuisine

COUNCIL MEETING DATE: November 25, 2002

ADMINISTRATION INITIAL: *DNM*

REQUESTED BY: J. Newman, Deputy Clerk

PREPARED BY: J. Newman, Deputy Clerk *JN*

Date Prepared: November 8, 2002

FISCAL IMPACT:

If yes, amount requested: \$ Account No.:

SUMMARY STATEMENT: Mekong Thai Cuisine has applied for a Restaurant/Eating Place Public Convenience liquor license from the Alcoholic Beverage Control Board (ABC Board). This particular type of liquor license allows the business to sell beer and wine and it is a non-transferable license based on the service of food (at least 50% of the sales must be from food sales).

STAFF RECOMMENDED ACTION: Direct the clerk's office to submit a letter of non-objection to the ABC Board for a Restaurant/Eating Place Public Convenience liquor license for Mekong Thai Cuisine.

Attachments: Notice of application from ABC Board.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 15 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 15 AAC 104.335(a)(3), AS 04.11.090(e), and 15 AAC 104.660(e) must be approved by the governing body.

Sincerely,

/s/ Dawn Holland-Williams

Dawn Holland-Williams
Records & Licensing Supervisor